



UNITED STATES PATENT AND TRADEMARK OFFICE

56
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/600,217	11/08/2000	Kaneaki Fujishita	6640/60186	8816

7590

05/07/2004

Jay H Maioli
Cooper & Dunham
1185 Avenue of the Americas
New York, NY 10036

EXAMINER

GRIER, LAURA A

ART UNIT

PAPER NUMBER

2644

DATE MAILED: 05/07/2004

19

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/600,217

Applicant(s)

FUJISHITA, KANEAKI

Examiner

Laura A Grier

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5,6 and 10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5,6 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2644

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 5, 6, and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Independent claims 1 and 10 includes redundant claim language which makes the claim indefinite.

Claim 1, lines 28-32, repeats in the meaning the detection of uncompressed audio data, in which a second decoding operation is performed. The concepts of this limitation are previously recited in the claim. And, similarly the same applies to claim 10, in lines 24-27.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1, 5, 6 and 10** are rejected under 35 U.S.C. 102(e) as being anticipated by Van Steenbrugge, U. S. Patent No. 6694030.

Regarding claims 1 and 10, Van Steenbrugge disclose an apparatus and method for reproducing a digital audio signal from a record carrier. Van Steenbrugge disclosure comprises two modes of decoding: PCM decoding and MPEG decoding; the channel status reads on the detecting where zero data continues for a predetermined period of time based on the status channel indicating what type of audio information stream is being supplied via the IEC 958 interfaces (col. 3, lines 26-31 and 64-67 – col. 4, lines 1-6, and figure 1);

wherein, when the channel status is “1”, the supplied audio is an MPEG encoded signal, which inherently reads on compressed audio data and inherently reads on the detection of zero data as evident by the fact that the audio signal is an MPEG encoded signal, and wherein compressed data is the same as zero data; then the coded signal transmitted to decoder 24, which reads on 1st decoding operation (col. 4, lines 21-26)

when the channel status is “0”, the audio is being transmitted in a normal mode, PCM encoded signal, which reads on uncompressed audio and non-zero data, and then the coded signal transmitted to decoder 24, which reads on 2nd decoding operation (col. 4, lines 6-20);

wherein the detection of continuous zero data and non-zero data is based upon a predetermined period of time (col. 4, lines 27-67 and col. 5, lines 17-33);

the 1st decoding operation being based upon a sync signal of the supplied audio is inherently discloses as evident by the time intervals/slots to identify the supplied data (col. 4, lines 50-53); and

IEC 958 interfaces inherently indicates a storing the supplied data for a predetermined period of time for determining whether or not the data is uncompressed (non-zero data) or compressed (zero data), as evidence by the fact that status channel identification is output from

Art Unit: 2644

the interfaces, thus upon indicating that the supplied information data of the audio signal is "0", and in normal audio mode with PCM encoded audio, the 2nd decoding operation takes places as previously indicated.

Regarding claim 5, Van Steenbrugge discloses everything claimed as applied above (see claim 1). Van Steenbrugge further discloses muting during the decoding transitions (col. 4, lines 41-46 and col. 5, lines 17-30).

Regarding claim 6, Van Steenbrugge discloses everything claimed as applied above (see claim 1). Van Steenbrugge inherently discloses the operation for detecting whether the zero data continues for predetermined period on time is repeated as evidence by the continuous frames supplied information frames supplied via the interface.

Response to Arguments

5. Applicant's arguments with respect to claims 1, 5, 6, and 10 have been considered but are moot in view of the new ground(s) of rejection.

The applicant essentially argues the prior art reference of Cellier et al. does not disclose the claimed invention. The Cellier reference has been removed. A new reference of prior art has been used in a rejection of the prior art. The new reference teaches decoding in two modes of different types of audio, one audio type is compressed audio and other type is non-compressed audio, which is based upon a channel status identification supplied via an interface for each respective audio type to the decoder, wherein it is inherent that channel status supports detecting if the audio data is zero data (compressed) or non-zero data (non-compressed). In respect to the applicant's argument that the supplied data of the invention is somewhat unknown, the new

Art Unit: 2644

reference, the audio data stored on the DVD is known, however, the supplied audio data type is not known to decoder, until transmitted by the IEC 958 interfaces.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura A Grier whose telephone number is (703) 306-4819. The examiner can normally be reached on Monday - Friday, 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on (703) 305-4386.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

LAG
May 3, 2004



MINSUN OH HARVEY
PRIMARY EXAMINER

